Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

Message Text

LIMITED OFFICIAL USE

PAGE 01 PRETOR 01601 180954Z

20
ACTION AF-18

INFO OCT-01 IO-14 ISO-00 CIAE-00 DODE-00 PM-07 H-03 INR-10

L-03 NSAE-00 NSC-07 PA-04 RSC-01 PRS-01 SP-03 SS-20

USIA-15 OMB-01 DRC-01 /109 W
---------- 104599
R 180932Z APR 74
FM AMEMBASSY PRETORIA
TO SECSTATE WASHDC 9672
INFO USMISSION USUN NY
AMCONSUL CAPE TOWN
AMCONSUL DURBAN
AMCONSUL JOHANNESBURG

LIMITED OFFICIAL USE PRETORIA 1601

E.O. 11652: N/A
TAGS: PINS, WA
SUBJ: DESPITE ANOTHER ADVERSE COURT DECISION, EFFORTS TO END FLOGGINGS CONTINUE

1. IN DECISION GIVEN ON APRIL 17, SOUTH WEST AFRICA SUPREME COURT ONCE AGAIN REFUSED TO GRANT ANGLICAN BISHOP SUFFRAGAN RICHARD WOOD LEAVE TO APPEAL AGAINST COURT'S REFUSAL TO REIMPOSE INTERDICT AGAINST FLOGGINGS IN OWAMBO. WOOD STILL HAS ONE RECOURSE OPEN TO HIM. HE HAS DIRECTLY PETITIONED SOUTH AFRICAN CHIEF JUSTICE IN BLOEMFONTEIN ASKING HIM TO INTERVENE AND INSTRUCT COURTS TO HEAR AGAIN THE CASES THAT HAD BEEN BROUGHT BEFORE THEM BY WOOD AND BISHOP LEONARD AUALA (PRETORIA 1495).

2. IT IS PROBABLE THAT SWA SUPREME COURT'S PREVIOUS DECISION THAT NEITHER AUALA NOR WOOD HAD LOCUS STANDI IN FLOGGING CASES WILL PREVAIL AND THAT WOOD'S LATEST EFFORT WILL FAIL. HOWEVER, ACCORDING TO RELIABLE SOURE IN WINDHOEK, A NEW APPLICATION FOR LEAVE TO APPEAL AGAINST FLOGGINGS WILL BE MADE ON MAY 9. THE APPLICANTS WILL BE MEMBERS OF SWAPO AND
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 PRETOR 01601 180954Z

DEMOCRATIC COOPERATIVE DEVELOPMENT PARTY (DEMKOP), A POLITICAL

Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

PARTY OPPOSED TO OWAMBO GOVERNMENT. SINCE THESE APPLICANTS ARE PERSONS WHO COULD BE DIRECTLY AFFECTED BY FLOGGINGS, THEIR REQUEST FOR LEAVE TO APPEAL MAY HAVE BETTER CHANCE OF SUCCESS THAT WOOD'S AND AUALA'S.

3. ALSO ON MAY 9, SWA SUPREME COURT WILL REVIEW CASES OF DEMKOP LEADER JOHANNES NANGUTUUALA, ANDREAS NUUKWAWO, AND ARCHDEACON FNU SHILONGO. THEIR CASES WERE TO HAVE BEEN HEARD APRIL 15, AFTER ORIGINALLY HAVING BEEN SET FOR APRIL 5 (PRETORIA 1310). THESE THREE CASES ARE PROBABLY THE MOST IMPORTANT OF VARIOUS FLOGGING APPEALS WHICH ARE COMING BEFORE COURTS. THE DETERMINATION WILL NOT BE WHETHER AN INTERDICT AGAINST FLOGGINGS SHOULD BE IMPOSED, BUT WHETHER THE TRIALS OF PERSONS WHO HAVE BEEN FLOGGED WERE PROPERLY CONDUCTED, WHETHER SENTENCES WERE LEGAL, AND, EVEN IF THEY WERE LEGALLY IMPOSED, WHETHER SENTENCES WERE EXCESSIVE. WHATEVER DECISION COURT MAKES WITH RESPECT TO LEGALITY OR ILLEGALITY OF FLOGGINGS WOULD, UNDER SWA LAW, BECOME BINDING ON TRIBAL COURTS.
HURD

LIMITED OFFICIAL USE

NNN

Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: PENAL SYSTEM, COURTS
Control Number: n/a
Copy: SINGLE
Draft Date: 18 APR 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: MorefiRH
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974PRETOR01601
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D740090-0140
From: PRETORIA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740433/aaaabcyx.tel
Line Count: 80
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION AF
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: MorefiRH
Review Comment: n/a
Review Content Flags:
Review Date: 08 JUL 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <08 JUL 2002 by rowelle0>; APPROVED <07-Aug-2002 by MorefiRH>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: DESPITE ANOTHER ADVERSE COURT DECISION, EFFORTS TO END FLOGGINGS CONTINUE
TAGS: PINS, WA, (WOOD, BISHOP)
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

Declassified/Released US Department of State EO Systematic Review 30 JUN 2005